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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,495	95 09/08/2003		Yu-Chin Lai	P03364 9341	
23702	7590	01/23/2006		EXAMINER	
Bausch & L One Bausch			PEZZUTO, HELEN LEE		
Rochester, NY 14604-2701				ART UNIT	PAPER NUMBER
				1713	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
055 A. C O	10/657,495	LAI, YU-CHIN					
Office Action Summary	Examiner	Art Unit					
	Helen L. Pezzuto	1713					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on 10 No.	ovember 2005.						
2a)⊠ This action is FINAL . 2b)☐ This	This action is FINAL . 2b) ☐ This action is non-final.						
) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.					
Disposition of Claims							
4) ☐ Claim(s) 4-9 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 4-9 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or							
Application Papers							
9) The specification is objected to by the Examine	г.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.					
Priority under 35 U.S.C. § 119	•						
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of the priorical statement. 	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)).	on No ed in this National Stage					
Attachment(s)							
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:						

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DETAILED ACTION

Response to Amendment

Applicant's amendment to claims 4-5, 7-8 filed in the response on 11/10/05 is acknowledged. Currently, claims 4-9 are pending in this application. In light of applicant's amendment and remarks, previous 102 rejections of record are hereby withdrawn.

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichinohe (US-792 or EP-541). The reference to the discussion will be directed to US-792.

US 6,878,792 B2 and EP 1 293 541 A2 to Ichinhe disclose a polymerizable azo yellow dye structurally defined in formulas [I] or [II] (col. 3, lines 14 to col.

4, line 19), with suitable embodiments expressed at col. 5,

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line 11 to col. 6, line 33. The addition of said yellow dye to a silicone material having hydrosilyl groups is expressly taught and exemplified (col. 4, lines 20-54; col. 6, lines 34-49; cols. 9-10, Examples 1 and 3). Patentee further teaches the radical polymerizability of these azo yellow dyes, and their capability forming copolymer products with acrylic comonomers via radical mechanism (abstract; col. 4, lines 35-38; col. 6, lines 38-39). Production of acrylic resins with azo dye compound 2 was exemplified (col. 10, Example 2). In light of the clear suggestion of chemical bonding of azo yellow dyes to silicone material, and their capability of forming acrylic type copolymer products via free radical mechanism, provided within the context of intraocular lens manufacturing. It would have been obvious and fully within the purview of one skilled in the art to formulate such polymeric composition within the scope of applicant's claims as taught, motivated by the reasonable expectation of success in the production of intraocular lens products, as in applicant's endeavor. Thus, rendering obvious the present claims.

Response to Arguments

Applicant's amendment and remarks filed on 11/10/05 have been fully considered but are not found to be persuasive. The examiner remains of the position that prior art dye monomer (II) is within the scope of applicant's compound as defined in the present claims. Patentees specifically define at least one of the R substituents is represented by formula 8, wherein the R²³ embraces the instant R_2 , and X^{11} , X^{13} defined as linear or branched bivalent spacer groups, are within the scope of the instant R_1 and R_3 (i.e. straight or branched C_{1-10} alkylene spacer). The argument regarding the spacers X11 and X13 encompass an infinite number of species is not compelling because, likewise, the instantly recited spacer encompass a large number of species. One skilled in the art would have readily envisaged prior art bivalent spacer groups to encompass alkylene spacer as claimed, absent evidence of unusual and/or unexpected results. Accordingly, the examiner's position is maintained.

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

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is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen L. Pezzuto whose telephone number is (571) 272-1108. The examiner can normally be reached on 8 AM to 4 PM, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen L. Pezzuk

Primary Examiner

hlp